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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,414

Applicant(s)

VANDERMEIJDEN ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 7, 15, 18, 19, 20-22, 28, 31-33, 48-52, 55, 56, 67 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Lefeber et al. (U.S. Pub. No. 2002/0046299).

Regarding claims 1, 31 and 50, Lefeber teaches a mobile device (i.e., telephony unit) to process telephony signals and to receive a signal indicating an incoming call over a wireless link, the signal including Caller-ID information (fig.4; page 7, paragraphs 0059, 0060).

Lefeber further teaches a browser to enable a user to access and navigate hypermedia information, and further to receive the Caller-ID information from the mobile device (i.e., telephony unit) in response to the incoming call and, in response to receiving the Caller-ID information, to execute a predetermined action based on the Caller-ID information (fig.4; pages 7, 8, paragraphs 0059-0061, 0064-0066, 0070).

Regarding claims 2, 32 and 51, Lefeber teaches the browser looking up ring tone data previously associated with the Caller-ID information, and wherein the output device is caused to output a ring tone based on the E-Commerce Alert (i.e., ring tone data) (pages 7, 8, paragraphs 0059-0062, 0064, 0065).

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Regarding claims 3, 28, 33 and 52, Lefebber teaches that the incoming call originates from a caller, wherein the caller is a member of a predefined group of callers, and wherein the ring tone data represents a ring tone previously associated with the group (pages 7, 8, paragraphs 0060, 0064, 0065).

Regarding claims 6 and 55, Lefebber teaches a database (i.e., memory) to store a message (i.e., local data structure), wherein the action comprises the browser looking up data of a predetermined type in the message (page 7, paragraph 0060).

Regarding claims 7, 37, 41, 45 and 56, Lefebber teaches the data comprising E-Commerce Alert (i.e., ring tone data) (pages 7, 8, paragraphs 0060, 0065).

Regarding claims 18, 48 and 67, Lefebber teaches the action comprising the browser signaling the telephony unit to initiate depressing a button on the phone (i.e., an outgoing call) in response to the incoming call (pages 7, 8, paragraphs 0059, 0060, 0064-0066, 0068).

Regarding claims 19, 49 and 68, Lefebber teaches that the incoming call originates from a source, the source having a telephone number, and wherein the outgoing call is placed inherently to a telephone number other than the telephone number of the source (pages 7, 8, paragraphs 0059, 0060, 0064-0066, 0068).

Regarding claim 20, Lefebber teaches a communications interface to communicate voice and data with a webserver 414 (i.e., remote site) over a wireless network (fig.4; pages 7, 8, paragraphs 0059-0061, 0068).

Lefebber further teaches an output device to output an alert (i.e., ring tone) indicating an incoming telephone call from a caller (fig.4; page 7, paragraphs 0059, 0060).

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Lefebber further teaches a memory inherently storing a browser to enable a user of the mobile telephone to access hypermedia information stored on a third party network 409 (i.e., remote processing system) via the wireless network and to navigate the hypermedia information (fig.4; pages 7, 8, paragraphs 0059-0061, 0064-0066).

Lefebber further teaches a mobile device (i.e., telephony unit) to process telephony signals, to receive a signal indicating the incoming telephone call, the signal including Caller-ID information, and to provide the Caller-ID information to the browser (fig.4; page 7, paragraphs 0059, 0060).

Lefebber further teaches that the browser uses the Caller-ID information to look up E-Commerce Alert (i.e., ring tone data) previously associated with the caller and to provide the ring tone data to the mobile device, such that the mobile device causes the output device to output the alert (i.e., ring tone) based on the E-Commerce Alert provided by the browser (pages 7, 8, paragraphs 0059-0062, 0064, 0065).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 29, 30, 34, 35, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebber et al. (U.S. Pub. No. 2002/0046299) and in view of Shnier (U.S. Pub. No. 2002/0009184).

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Regarding claims 4, 29, 34 and 53, Lefebber further teaches that the alert (i.e., ring tone) has inherently an audible pattern previously associated specifically with the caller (pages 7, 8, paragraphs 0059-0062, 0064, 0065).

However, Lefebber fails to teach “the caller is a member of a predefined group of callers and the ring tone emulates a sound instrument previously associated with the group of callers”. Shnier teaches that the caller is a member of a predefined group of callers and the ring tone emulates a sound instrument previously associated with the group of callers (fig.3; pages 3, 4, paragraphs 0027-0029, 0031). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow the caller being a member of a predefined group of callers and the ring tone emulating a sound instrument previously associated with the group of callers as taught by Shnier. The motivation for the modification is to have doing so in order to provide distinctive ringing to a caller of a predefined group of callers.

Regarding claims 5, 30, 35 and 54, Lefebber fails to teach “the sound instrument is a musical instrument and the audible pattern is a melody”. Shnier teaches that the sound instrument is a musical instrument and the ringing cadence (i.e., audible pattern) is inherently a melody (fig.3; page 3, paragraph 0027). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow the sound instrument being a musical instrument and the audible pattern being a melody as taught by Shnier. The motivation for the modification is to have doing so in order to provide melodious ringing to a caller.

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5. Claims 8, 26, 38, 46, 57 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefeber et al. (U.S. Pub. No. 2002/0046299) and in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 8, 26, 38, 46, 57 and 65, Lefeber fails to teach “the data is stored in a vCard”. Ho teaches that the data is stored in a vCard (page 3, paragraph 0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefeber to allow the data being stored in a vCard as taught by Ho. The motivation for the modification is to have doing so in order to provide name and office telephone number.

6. Claims 9, 27, 39, 47 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefeber et al. (U.S. Pub. No. 2002/0046299) and in view of Stephens (U.S. Pub. No. 2003/0023371).

Regarding claims 9, 39, 47 and 58, Lefeber fails to teach “ring tone data stored in a vCard”. Stephens teaches alert (i.e., ring tone) data stored in a vCard (page 3, paragraph 0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefeber to allow ring tone data stored in a vCard as taught by Stephens. The motivation for the modification is to have doing so in order to provide the traveler with options to make selection.

Regarding claim 27 is rejected for the same reasons as discussed above with respect to claims 2 and 9.

7. Claims 10, 11, 14, 15, 23-25, 40, 44, 59, 60, 63, 64 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefeber et al. (U.S. Pub. No. 2002/0046299) and in view of Fleming, III (U.S. Patent No. 6,697,484).

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Regarding claims 10, 24, 40 and 59, Lefebber fails to teach “the browser attempts to locate the data in the memory in response to receiving the Caller-ID information and, if the data is not found in the memory, the browser automatically attempts to obtain the data from a remote server via the wireless link during a subsequent data connection by the browser over the wireless link”. Fleming teaches the browser attempting to locate the alphanumeric identifier (i.e., data) in the memory in response to receiving the Caller-ID information and, if the alphanumeric identifier is not found in the memory, the browser automatically attempts to obtain the alphanumeric identifier from a remote computer (i.e., server) via the wireless link during a subsequent data connection by the browser over the wireless link (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow the browser attempts to locate the data in the memory in response to receiving the Caller-ID information and, if the data is not found in the memory, the browser automatically attempts to obtain the data from a remote server via the wireless link during a subsequent data connection by the browser over the wireless link as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator’s telephone number via the wireless network.

Regarding claims 11, 15, 60 and 64 are rejected for the same reasons as discussed above with respect to claim 20.

Regarding claims 14, 44 and 63, Lefebber teaches the browser obtaining data of a predetermined type from a third party network 409 (i.e., remote processing system) via the wireless link (fig.4; pages 7, 8, paragraphs 0059-0061, 0064-0066).

However, Lefebber fails to teach “automatically updating the local data structure using the data obtained from the remote processing system”. Fleming teaches automatically updating the local data structure using the alphanumeric identifier (i.e., data) obtained from the remote processing system (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow automatically updating the local data structure using the data obtained from the remote processing system as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator’s telephone number whenever needed.

Regarding claims 23 and 25 are rejected for the same reasons as discussed above with respect to claim 14.

Regarding claim 69, Lefebber teaches receiving Caller-ID information at the browser in response to the mobile device (i.e., mobile telephone) receiving a signal indicating an incoming telephone call over the wireless network (fig.4; page 7, paragraphs 0059, 0060).

Lefebber further teaches in response to receiving the Caller-ID information, automatically attempting to locate E-Commerce Alert (i.e., ring tone data) associated with the Caller-ID information in a database (i.e., contact database) within the mobile telephone (fig.4; pages 7, 8, paragraphs 0059-0062, 0064, 0065).

Lefebber further teaches if the E-Commerce Alert (i.e., ring tone data) is found in the database (i.e., contact database), then outputting the E-Commerce Alert to a telephony unit of the mobile device, the outputted E-Commerce Alert for use in generating a alert (i.e., ring tone) indicating the incoming telephone call (pages 7, 8, paragraphs 0059-0062, 0064, 0065).

However, Lefebber fails to teach "if the ring tone data is not found in the contact database, then waiting to establish a data connection with a remote server via the wireless network, and when the data connection is established". Fleming teaches if the alphanumeric identifier (i.e., ring tone data) is not found in the memory (i.e., contact database), then waiting to establish an e-mail connection (i.e., data connection) with a remote computer (i.e., server) via the wireless network, and when the e-mail connection is established (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow waiting to establish a data connection with a remote server via the wireless network, and when the data connection is established if the ring tone data is not found in the contact database as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator's telephone number via email.

Lefebber further fails to teach "automatically requesting the ring tone data from the remote server via the wireless network". Fleming teaches automatically requesting the alphanumeric identifier (i.e., ring tone data) associated with the telephone number from the remote server via the wireless network (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow automatically requesting the ring tone data from the remote server via the wireless network as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator's telephone number via the wireless network.

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Lefebber further fails to teach “receiving the ring tone data via the wireless network, and storing the ring tone data in the contact database in association with the Caller-ID information”. Fleming teaches receiving the ring tone data via the wireless network, and storing the ring tone data in the memory (i.e., contact database) in association with the Caller-ID information (fig.4; col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lefebber to allow receiving the ring tone data via the wireless network, and storing the ring tone data in the contact database in association with the Caller-ID information as taught by Fleming. The motivation for the modification is to have doing so in order to store the alphanumeric identifier associated with originator’s telephone number in the memory.

8. Claims 12, 16, 42, 61 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebber et al. (U.S. Pub. No. 2002/0046299) and in view of Fleming, III (U.S. Patent No. 6,697,484) and further in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 12, 16, 42, 61 and 70 are rejected for the same reasons as discussed above with respect to claim 8.

9. Claims 13, 17, 43, 62 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebber et al. (U.S. Pub. No. 2002/0046299) and in view of Fleming, III (U.S. Patent No. 6,697,484) and further in view of Stephens (U.S. Pub. No. 2003/0023371).

Regarding claims 13, 17, 43, 62 and 66 are rejected for the same reasons as discussed above with respect to claim 9.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enzmann et al. (U.S. Patent No. 6,516,203) teach Method and system for providing additional information to a subscriber based on a universal resource locator and Barvesten (U.S. Patent No. 6,311,057) teach Method of calling a mobile station in a mobile telephone system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.

MD SHAFIUL ALAM ELAHEE
March 21, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
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